



Chairperson: Bob Wyatt, NW Natural
Treasurer: Frederick Wolf, DBA, Legacy Site Services for Arkema

March 18, 2011

Chip Humphrey
U.S. Environmental Protection Agency, Region 10
805 SW Broadway, Suite 500
Portland, OR 97205

Kristine Koch
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900, M/S ECL-115
Seattle, WA 98101-3140

Re: Response to EPA February 25, 2011 Letter (Lower Willamette River, Portland Harbor Superfund Site, USEPA Docket No: CERCLA-10-2001-0240)

Dear Chip and Kristine:

The Lower Willamette Group (LWG) would like to begin by thanking the Environmental Protection Agency (EPA) for its time in meeting with the LWG on March 16, 2011. We appreciate the EPA's willingness to accommodate this meeting in such short order and engage with the LWG in open and direct conversations about the project.

On March 11, 2011, EPA extended the deadline for formal dispute of the deadlines for submission of the revised Remedial Investigation (RI) and the draft Feasibility Study (FS) established in EPA's February 25, 2011 letter to today, March 18, to allow further discussion of the submittal dates for those deliverables. Our discussion on March 16 was informative and productive, and we agreed that more regular meetings of this type will be mutually beneficial. The LWG will comply with the deadlines set out in your March 17 email.

Risk Assessments and FS Content

First, the LWG provided the tables and calculations for the combined adult and child scenarios, evaluation of polybrominated biphenyl ethers (PBDEs), and breast milk scenarios on March 17, 2011. These tables were submitted in draft form and may be subject to further review and correction by the LWG in the revised Baseline Human Health Risk Assessment (BHRRA).

Second, the LWG will submit the revised BHHRA on May 2, 2011 and the revised Baseline Ecological Risk Assessment (BERA) on July 5, 2011.¹ With respect to the BERA, to the extent the clarifications set forth in the enclosure to your February 25 letter provide revised direction, we agree to implement that direction.

Third, we will submit the alternatives screening analysis requested by April 12, 2011.² Consistent with the request, in this analysis the LWG will determine site-wide general response actions, conduct a site-wide technology screen, and evaluate and screen each general response action and technology for each of the AOPCs. EPA is not requiring the LWG to provide the results of the AOPC to SMA conversion at this time, but the LWG agrees to provide EPA with three examples of how AOPCs convert to SMAs by August 4, 2011.

Fourth, the LWG will provide a check-in on key FS elements, including Remedial Action Levels, by June 22, 2011.

Finally, the LWG agrees to include in the draft Feasibility Study analysis all areas above acceptable risk levels as determined by methods consistent with the harbor-wide process, including areas currently undergoing early actions. Information on the technologies and alternatives being considered in those early actions, as available on a timing that fits into the FS development schedule and as applicable, will be incorporated into the draft FS analysis. It is our understanding, however, that the currently locked-down FS database will not be updated with new specific data from these early actions, because this would have a severe impact on the FS schedule. The FS will include information regarding sustainable and green cleanup technologies consistent with EPA guidance.

The LWG is agreeing to provide the above information and deliverables per EPA's directed schedule. However, as we stated during the March 16th meeting, the number and significance of EPA's comments on any of these interim materials or check-ins related to the FS may not allow the LWG sufficient time to incorporate revisions into the draft FS and meet the November 15th submittal date. In addition, we feel these discrete components of the draft FS are best understood within the context of the entire analysis (i.e., when reviewing the complete draft FS). Therefore, it may make sense for EPA to determine whether its comments are still outstanding after it reviews the draft FS and before the LWG prepares a final FS.

Revised RI and Draft FS Deadlines

As the LWG indicated in the March 16 meeting, the August 1 and November 15 deadlines for the revised RI and draft FS present challenges. In EPA's March 17 email, EPA has extended the

¹ We understand that EPA is requiring that we submit redlined versions of these documents in electronic format only, and that the drafts submitted on these deadlines need not meet EPA's criteria for final submission of documents, including hard copies and electronic copies meeting EPA accessibility requirements.

² The LWG disagrees that the alternatives screening check-in meeting scheduled for December 14, 2010 was a deliverable under §XIX.5 of the Administrative Settlement Agreement and Order on Consent and would dispute and contest any stipulated penalties related to the rescheduling of this meeting. We believe, however, that we need not debate the issue now, because we intend to provide the requested materials by April 12, 2011.

revised RI deadline to August 29, 2011 but confirmed the November 15 deadline for the draft FS. The LWG appreciates the additional time on the revised RI. The LWG also understands EPA's desire to receive the revised RI and draft FS as quickly as possible. The LWG is likewise motivated to complete this work as quickly as it possibly can, balancing speed with producing the highest quality deliverable. That said, we think the deadlines for the revised RI and the draft FS confirmed by your March 17 email will be extremely difficult, if not impossible, for the LWG to meet with high quality deliverables. The reasons we believe these deadlines are impracticable are discussed at length in our January 12 and February 2 letters, and demonstrated by our detailed project management Gantt schedule submitted to EPA February 23, and we will not repeat them here. Nevertheless, the LWG will comply with EPA's direction and do the best we can by EPA's established deadline. If there are schedule difficulties that the LWG encounters during this process, the LWG will commit to inform EPA of any such difficulties as soon as practicable so that we can work collaboratively on a solution.

EPA's February 25 letter states EPA's view that conditional approval of the RI and risk assessments before submission of the draft FS is not necessary. The LWG believes it would be most valuable to have EPA's approval of the revised BHHRA, BERA and RI prior to submittal of the draft FS. Because EPA will have the revised risk assessments by mid-summer, and because EPA's review of these revised documents will be based on EPA's prior comments, the LWG is hopeful it will now be possible for EPA to complete its review of the RI and risk assessments so as to provide substantial review and conditional approvals prior to submittal of the draft FS. EPA's position that the draft FS should be submitted based on a date certain (rather than following condition approval of the RI and risk assessments) means that to the extent EPA has additional new or significant comments on the RI and/or risk assessments, the LWG will not have time to make corresponding revisions to the draft FS. Likewise, the LWG would not be able to incorporate significant revisions to the risk assessments or the RI until after it submits the draft FS to EPA.

Completing the risk assessments, RI and FS this year will require hard work, collaboration and good communication on both sides. The LWG believes the meeting on March 16 was fruitful in improving communications between LWG and EPA. We look forward to continuing this dialogue as we enter the final stage of the project.

Sincerely,



Bob Wyatt

Chip Humphrey
Kristine Koch
March 18, 2011
Page 4

cc: Confederated Tribes and Bands of the Yakama Nation
 Confederated Tribes of the Grand Ronde Community of Oregon
 Confederated Tribes of Siletz Indians of Oregon
 Confederated Tribes of the Umatilla Indian Reservation
 Confederated Tribes of the Warm Springs Reservation of Oregon
 Nez Perce Tribe
 Oregon Department of Fish & Wildlife
 United States Fish & Wildlife
 Oregon Department of Environmental Quality
 LWG Legal
 LWG Repository